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UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA

DEBRA MITMAN,

Plaintiff,

v.

BANK OF NEW YORK MELLON & CREDIT
 SUISSE, N.A.,

Defendants.

Case No.: 2:13-cv-00532-APG-CWH

**STIPULATION AND ORDER FOR
 DISMISSAL WITH PREJUDICE**

THE PARTIES HEREBY STIPULATE AND AGREE that on March 5, 2013, Credit Suisse Securities (USA), LLC, improperly named as Credit Suisse, N.A., (Credit Suisse) filed its Motion to Dismiss. ECF No. 15.¹

THE PARTIES FURTHER STIPULATE AND AGREE that on April 2, 2013, The Bank of New York Mellon (BNY) filed a motion to dismiss plaintiff's complaint for failure to state a claim. ECF No. 6.

THE PARTIES FURTHER STIPULATE AND AGREE that the motions to dismiss were based, in part, on the allegation that neither BNY nor Credit Suisse are the lender or the beneficiary of the loan at issue in the complaint, nor do either BNY or Credit Suisse claim any right to title to the

¹ Credit Suisse's motion to dismiss was fully briefed in the Eighth Judicial District Court prior to BNY's removal to federal court.

1 property.

2 THE PARTIES FURTHER STIPULATE AND AGREE that BNY neither Credit Suisse are
3 the lender, beneficiary, nor claim any right to title to the property at issue.

4 THE PARTIES FURTHER STIPULATE AND AGREE that the Complaint may be
5 dismissed with each party to bear its own attorney fees and costs.

6 THE PARTIES FURTHER STIPULATE AND AGREE that all pending motions and
7 hearings are vacated.

8 DATED this 28th day of August, 2013.

9 **AKERMAN SENTERFITT LLP**

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26 (USA), LLC*

27 **IT IS SO ORDERED.**

28 

UNITED STATES DISTRICT JUDGE

Dated: August 29, 2013.